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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,600	12/04/2003	Chih-Min Chang	CHAN3235/EM	6969

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EXAMINER

SHAKERI, HADI

ART UNIT PAPER NUMBER

3723

DATE MAILED: 01/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,600

Applicant(s)

CHANG, CHIH-MIN

Examiner

Hadi Shakeri

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 4-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Regarding claim 7, "an identification layer" is not disposed on the ring, rather on the ratchet wheel, as disclosed in Fig. 7, even though ratchet wheel and the ring are disclosed as integrally molded, reciting an identification layer disposed on the ring does not adequately define the invention as disclosed in Fig. 7.

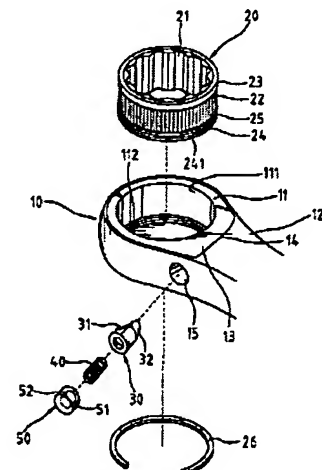
Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

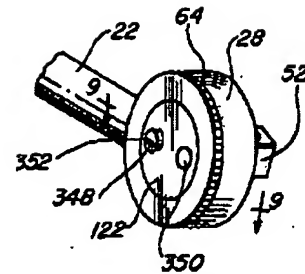
5. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hu (6,263,767) in view of Chow (4,280,379).

Hu meets all of the limitations of claim 4 and 7, i.e., a ratchet wrench having a body having a hole (111) and a chamber (15) communicating with the hole; a ratchet wheel (20) rotatably mounted in the hole of the wrench body and having an annular teeth portion at an outer surface thereof and a polygonal hole at a



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center thereof; a ring member (24) (integral with the wheel) mounted in the hole of the wrench body having an identification layer (14) visible from outside the wrench indicating the direction of the ratchet, a pawl (31) received in the chamber of the wrench body for meshing the teeth portion of the ratchet wheel, and a



spring (40) having two ends respectively stopped at the wrench body and the pawl, except that the identification or indicia is not color coded and it is not disposed on the ring member (ratchet wheel, claim 7) visible from outside the wrench.

Chow teaches the use of color to indicate the ratcheting direction (348, 352). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the invention of Hu by color coding the upper surface of the ring (14) as taught by Chow as an simple and cost effective means to indicate the ratcheting direction.

Regarding the location of parts, e.g., on the outer surface of the ring member or the ratchet wheel, where it is visible from outside, it is noted that, it would have been obvious to one having ordinary skill in the art at the time the invention was made to place the identification mark on the outside of the ring, instead of area (14) as an alternative means, for economical reasons and/or operational parameters, e.g., cost, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikes*, 86 USPQ 70.

Regarding claims 5 and 6, Hu as modified by Chow meets the limitations, except for the method of color coding, even though the method of forming does not patentably distinguish the tool unless resulting in structural differences, It would have been obvious to one having ordinary skill in the art at the time the invention was made to coat the layer either by a film, printing painting or plating, as these methods are common and known in the art, depending on the intended use and/or operational parameters, e.g., cost.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Response to Arguments

7. Applicant's arguments filed 12/27/04 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

With regards to the combination of Hu and Chow, the argument seems to be that no possible combination may be obtained to read over the claims as recited. The argument against Hu seems to indicate that Hu does not disclose a ring member restraining the wheel. The ring member (24) as disclosed by Hu, meets the claim limitation. Then the argument regarding the combination is that all the limitations are not met. A ratchet wrench as claimed in claims 4 and 7, are prior art and well known to one of ordinary skill in the art, with regards to a wrench body

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having a hole, a chamber communicating with the hole, a ratchet wheel rotatably mounted in the hole having an annular teeth member and polygonal hole at a center thereof, a ring member (either ring 24 in the preferred embodiment as disclosed by Hu, or in the prior art as disclosed by Hu, e.g. cover plate 6' in Fig. 7) restraining the wheel, and a pawl and a spring having both ends stopped by the body and the pawl, the point of patentability as disclosed is the identification layer disposed on the ring. First it is noted with reference to Figs. 1 and 7 of the instant application, an identification layer disposed on the ring visible from outside, appears to include both embodiments of claims 4 and 7, i.e., Figs. 1-6 and Fig. 7, respectively as evident by the statement in the Remarks, therefore includes embodiments wherein the identification layer is on different parts, so long as it is visible from outside. Hu discloses a marking visible from outside, i.e., positioned on the head, which indicates the direction of tightening and ratcheting. The modification made is the use of color to indicate the direction, considered by the Examiner to be within the knowledge of one of ordinary skill in the art, per references cited and applied, and the location of placing the identification marker, i.e., may be place on the outside pale, the outside of the ring or outside of the ratchet wheel, again considered by the Examiner to be obvious to one of ordinary skill in the art, per references cited and in view of *In re Japikes*, a modification for economical and/or operational parameters. It is further noted that the argument that prior art relied upon, i.e., both, Hu and Chow disclose the same manner of situating the indicator, i.e., on the wrench body, is not persuasive, since this is precisely what applicant is claiming in claim 7, Fig. 7.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Shakeri whose telephone number is (571) 272-4495. The examiner can normally be reached on Monday-Friday.

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The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Hadi Shakeri', with a stylized flourish extending to the right.

Hadi Shakeri
Primary Examiner
Art Unit 3723
January 25, 2005